



NEWS RELEASE
Office of the
United States Attorney
for the
District of Nebraska
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February 10, 2010

United States Attorney Deborah R. Gilg and the Lincoln Police Department, Lancaster County Sheriff's Department, and the Lancaster County Attorney's Office announce the following information for the attention of the media:

Event Triggering this Release:

On February 10, 2010, a Lincoln man was sentenced to 17 ½ years in prison, (210 months), following his conviction for conspiracy to distribute crack cocaine in the Lincoln area over an approximate four-year time period. Information provided to law enforcement indicated that Mitchell was responsible for the distribution of at least 4.5 kilograms (approximately 10 pounds) of crack between January of 2005 and August of 2009. On August 26, 2009, officers of the Narcotics Unit located Mitchell outside his Lincoln apartment building and arrested him on an outstanding federal warrant. Mitchell was searched, and a baggie containing 6.86 grams of crack was found in his pocket. Mitchell waived his *Miranda* rights and told officers he had intended to sell the crack to another person for \$425. Mitchell also told officers there was additional crack and a .380 handgun in his apartment. A search warrant was obtained for the apartment, and officers found 8 additional baggies of crack weighing a total of 150.65 grams (approximately 5 ¼ ounces) along with a loaded handgun, a small baggie of marijuana, and \$140 in cash. As part of his plea agreement, Mitchell agreed to the forfeiture of the \$140 in cash to the United States. Following the prison term, Mitchell will serve five years on supervised release. He was also ordered to pay a \$100 special assessment.

Name of Defendant: Michael S. Mitchell

AKA: Mike, Cali

Age: 23

City of residence: Lincoln

Crime(s) Charged and Potential Penalty (A CHARGE is merely an accusation and every defendant is presumed innocent until and unless proven guilty): I. Conspiracy to distribute and possess with the intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of

cocaine base, also known as crack cocaine. The possible penalty is not less than 10 years nor more than life imprisonment and a fine of up to \$4,000,000. Following any term of imprisonment, there would be a term of supervised release of not less than five years. There is also a \$100 special assessment. Count III: Forfeiture of \$140 cash representing money used to facilitate the drug offense or representing proceeds of that offense. The possible penalty is forfeiture of the \$140 cash to the United States of America. (Count II: Possession with intent to distribute 50 grams or more of cocaine base, related to the August 26, 2009, arrest, was dismissed pursuant to a plea agreement.)

Specific Location of Alleged Crime: Lincoln

Location of Arrest: Lincoln

Alleged Dollar Loss/Type and Quantity of Drug: Mitchell was held responsible for at least 4.5 kilograms (approximately 10 pounds) of cocaine base, also known as crack cocaine

Others Charged in Same Scheme: none

Relevant Dates:

Date of Alleged Crime: Between on or about January 1, 2005, and on or about August 26, 2009

Federal Arrest Date: August 26, 2009

Date Complaint Issued:

Indictment Returned Date: Indictment: August 19, 2009
Superseding Indictment (which added the possession with intent charge and the forfeiture related to the August 26, 2009, arrest): September 15, 2009

Initial Appearance Date: August 27, 2009

Plea or Trial and Date(s): Pled guilty to Counts I and III of the Superseding Indictment on November 25, 2009

Sentencing Date: February 10, 2010

Next Court Hearing Type and Date: none

Assigned Magistrate Judge:

Held without Bond, or Released from Custody: held without bond

In Continuous Custody Since: August 26, 2009

Assigned District Court Judge: The Honorable Richard G. Kopf

Initials of Assigned AUSA/Preparer of THIS Release: SEF